

**Amendment No. 21 to HB3531**

**Cochran  
Signature of Sponsor**

**AMEND Senate Bill No. 3424\***

**House Bill No. 3531**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

By deleting subsection (a) of the amendatory language of Section 14 as amended by House Finance Ways & Means committee, and by substituting instead the following:

(a)

(1) The right to compensation under the Workers' Compensation Law shall be forever barred, unless, within one (1) year after the accident resulting in injury or death occurred, the notice required by § 50-6-202 is given the employer and a claim for compensation under the provisions of this chapter is filed with the tribunal having jurisdiction to hear and determine the matter; provided, that if within the one-year period voluntary payments of compensation are paid to the injured person or the injured person's dependents, an action to recover any unpaid portion of the compensation, payable under this chapter, may be instituted within one (1) year from the latter of the date of the last authorized treatment or the time the employer shall cease making such payments, except in those cases provided for by § 50-6-230. Where a workers' compensation suit is brought by the employer or the employer's agent and the employer or agent files notice of non-suit of the action at any time on or after the date of expiration of the statute of limitations, either party shall have ninety (90) days from the date of the order of dismissal to institute an action for recovery of benefits under this chapter.

(2) For purposes of this section, the issuing date of the last voluntary payment of compensation by the employer, not the date of its receipt, shall constitute the time the employer ceased making payments and an employer or its insurer shall provide such date on request. The running of the one-year limitation period is suspended from the date of the initial request for a benefit review conference until thirty (30) days after either a written agreement or a written report is filed with the commissioner pursuant to § 50-6-240. The running of the limitation is also suspended from the date the department

receives a proposed settlement under § 50-6-206(b) until the department approves or rejects such settlement.

(3) No claim for compensation under the Workers' Compensation Law shall be heard by a court having jurisdiction to hear workers' compensation matters, as provided in § 50-6-225, until the parties have exhausted the benefit review conference process provided by the division of workers' compensation. Notwithstanding the provisions of this section, if the parties have mutually agreed to a compromise and settlement of a claim for workers' compensation, the parties shall not be required to exhaust the benefit review process before submitting the compromise and settlement to the appropriate court for approval pursuant to § 50-6-206(a) or to the commissioner of labor and workforce development or his designee pursuant to § 50-6-206(c). If the settlement is not approved, the parties shall then exhaust the benefit review process.

AND FURTHER AMEND by deleting in its entirety subsection (g) of the amendatory language of Section 14 and by relettering the subsequent subsections accordingly.